

# Union County Judge/Executive 230930

(270) 389-1081

P.O. BOX 60 - MORGANFIELD, KENTUCKY 42437-0060

FAX (270) 389-4232

*Jody Jenkins*  
Judge/Executive

**Kentucky**  
UNBROKEN SPIRIT  
jody.jenkins@unioncountyky.org

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SEP 7 2011  
MANAGEMENT  
STB

August 31, 2011

Secretary  
Surface Transportation Board  
395 East Street, S.W.  
Washington, DC 20423-0001

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Office of Proceedings

SEP 07 2011

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Public Record

**Re: Decision and Notice Decided April 25, 2011  
Docket NO. AB 449 (Sub-No.3X)  
Request of Extension of Time for a Period of 180 Days  
To enable Local Government Agency to Negotiate the  
Acquisition of the Line for Trail Use**

Dear Secretary:

In my letter of August 23, 2011, I referred to "public" as part of our request. We are specifically requesting "trail" use of the described railway. Please accept this letter as a corrected request as set out in full below.

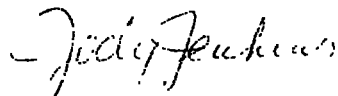
This corrected request of extension of time is filed on behalf of Union County, Kentucky. The Surface Transportation Board issued a decision and notice of interim trail use and abandonment service on February 25, 2011 to allow Union County to enter into an agreement on or before August 25, 2011 for trail use of the railway described in the notice.

The County is in the process of forming a committee to more closely consider this action. Because of the County's extensive flooding earlier this spring the action on this project has been delayed.

Therefore, based on the above Union County respectfully requests a 180 day extension. The County reaffirms the statement of willingness to assume financial responsibility stated in its letter of February 7, 2011. A copy of which is attached.

By my signature below, I certify service upon Hon. Eric M. Hocky, Thorp, Reed & Armstrong, LLP, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103 by U.S. Mail, postage pre-paid, first class, this day 31<sup>st</sup> of August, 2011.

Respectfully, submitted,

A handwritten signature in cursive script, appearing to read "Jody Jenkins".

Jody Jenkins

Union County Judge Executive

On behalf of Union County, Kentucky

cc: Mr. Keith Lovan  
Ms. Elaine H. Wilson  
Mr. Rick Leggett

# Union County Judge/Executive

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*Jody Jenkins*  
Judge/Executive



February 7, 2011

Secretary  
Surface Transportation Board  
395 East Street, S.W.  
Washington, DC 20423-0001

Re: Western Kentucky Railway, LLC Abandonment in Union County, Kentucky,  
AB\_449\_3\_X

Dear Secretary:

This request is filed on behalf of Union County, Kentucky which is a political subdivision, hereinafter referred to as "proponent." Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization between MP 48.0 at Dekoven, Kentucky and the Union/Webster County Line.

## **A. Request For Public Use Condition**

Proponent asks the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. Justification for this condition is: The corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. In addition, the corridor provides important wildlife habitat and open space and its preservation as a recreational trail is consistent with those purposes. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time to complete a trail plan.
2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

## **B. Request For Interim Trail Use**

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes the following request.

### **STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY**

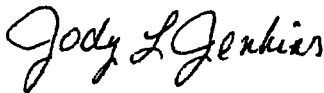
In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 CFR §1152.29, is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by and operated by Western Kentucky Railway LLC.

The property extends from railroad milepost 48.0 near Dekoven, Kentucky to the Union/Webster County Line, a distance of 10.98 miles in Union County. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB\_449\_3\_X. A map depicting the right-of-way is attached.

Union County, Kentucky acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon Hon. Eric M. Hocky, Thorp, Reed & Armstrong, LLP, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103 by U.S. Mail, postage pre-paid, first class, this day 7 of February, 2011.

Respectfully submitted,



Jody Jenkins  
Union County Judge Executive  
on behalf of Union County, Kentucky

